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privileged unless actual malice is shown. A communication to a proper public officer as to a suspicion of crime is so regarded. *Mueller v. Radebaugh*, 79 Kan. 306, 99 Pac. 612. The same is true of complaints made to public officers concerning the alleged misconduct of a subordinate. *Tyree v. Harrison*, 100 Va. 540, 42 S. E. 295; *Howarth v. Barlow*, 99 N. Y. Supp. 457. A petition to the proper official against the issuing of a teacher's license is qualifiedly privileged. *Wieman v. Mabee*, 45 Mich. 484. Cf. *Bodwell v. Osgood*, 3 Pick. (Mass.) 379. Similarly, a communication to the proper official as to alleged misconduct of a saloon proprietor enjoys a qualified privilege. *Coloney v. Farrow*, 39 N. Y. Supp. 460. This is so even though the petition has been circulated for signatures. *Vanderzee v. McGregor*, 12 Wend. (N. Y.) 545. The communication, however, must be made at a reasonable time and in a reasonable manner. This was not done in the principal case. See *Werner v. Ascher*, 86 Wis. 349, 56 N. W. 869.

MUNICIPAL CORPORATIONS — TERRITORIAL LIMITS — QUO WARRANTO. — As the result of an accident upon a highway, the question arose whether the highway was within the jurisdiction of a certain city or an adjoining township. Both deny jurisdiction over the disputed tract of land. The state brought *quo warranto* against the city to determine its true boundary. The city contended that *quo warranto* would not lie to correct its conduct in confining its territorial jurisdiction within too narrow limits. *Held*, that *quo warranto* was the proper proceeding. *State ex rel. Ramsey v. City of Hutchinson*, 169 Pac. 1140 (Kan.).

Quo warranto is appropriate to test the legality of the exercise of a public franchise. It is held the proper proceeding to determine the right of a municipal corporation to exercise jurisdiction over added territory. *East Dallas v. State*, 73 Texas, 370, 11 S. W. 1030; *People v. City of Peoria*, 166 Ill. 517, 46 N. E. 1075. But it is difficult to see how the writ can be maintained where as in the principal case the converse situation is involved. As there has been no usurpation of a franchise, the writ is unavailing. *Attorney-General v. City of Salem*, 103 Mass. 138. The fact that two suits may be necessary to fix liability for the accident on either the city or the township, shows the need of procedural reforms, permitting joinder in the alternative, but it does not justify torturing *quo warranto* to serve an unintended purpose.

PATENTS — NATURE AND REQUISITES FOR PATENT — EFFECT OF SECRET USE OF DEVICE ON RIGHT TO PATENT. — The plaintiff, who had invented a process for the manufacture of glass, and who, having used it for ten years in secret, placing the product on public sale, had patented the process when he could no longer keep it secret, sued the defendant for infringement of his patent. The patent law provides that in such a suit it should be a defense that the invention had been "abandoned to the public" before the application for the patent. (REV. STAT. § 4920.) *Held*, that the plaintiff could not recover, since he had abandoned the invention to the public. *Macbeth-Evans Glass Co. v. General Electric Co.*, 246 Fed. 695.

The patent laws specify no time after the invention within which a patent must be applied for. Mere delay in applying for a patent, where there are no intervening rights, does not forfeit the right to secure it. *Bates v. Coe*, 98 U. S. 31. It is difficult to see how the use of a process in secret, with the continuing purpose of applying for a patent as soon as the secret can no longer be kept, is an abandonment of the process, and an abandonment to the public. The decision can, however, be supported on another ground. The purpose of the patent laws, as set forth in the United States Constitution, is "to promote the progress of science and useful arts by securing for limited times to . . . inventors the exclusive right to their respective . . . discoveries." U. S. CONST.,

ART. I, § 8. The patent law limits the grant of a patent to a term of seventeen years. See REV. STAT. § 4884. It requires that the application shall contain a full description of the invention so that any one may use it after the patent expires. See REV. STAT. § 4888. If an inventor postpones his application for a patent, profiting by his invention in the meantime, in order to extend the time of his monopoly beyond the period provided for by the patent law, it is clear that it is not within the policy of patent legislation to aid him in carrying out this purpose by granting him a patent when he can no longer keep the invention secret. See *Pennock v. Dialogue*, 2 Peters (U. S.), 1, 19; *Kendall v. Winsor*, 21 How. (U. S.) 322, 328. See also 1 BLACKSTONE, COMMENTARIES, 87. Compare with this the case of the prolonged use of a device for purpose of experimentation and improvement, which is held not to forfeit the right to a patent. *Kendall v. Winsor*, *supra*; *Elizabeth v. Pavement Co.*, 97 U. S. 126.

PLEADING — PARTIES — JOINDER — STATUTORY PROVISION FOR JOINDER OF DEFENDANT IN THE ALTERNATIVE. — A Rhode Island statute provides that "whenever in any action the plaintiff is in doubt as to the person from whom he is entitled to recover, he may join two or more defendants with a view of ascertaining which, if either, is liable." Plaintiff joined the X company and the Y company in an action for damages for personal injuries to his wife, suffered in a collision between the X company's car, on which she was a passenger, and the Y company's truck. Negligent management by the servants of each defendant is alleged to have caused the collision. The X company demurred on the ground of improper joinder. *Held*, that the demurrer be sustained. *Beshavian v. Rhode Island Co.*, 102 Atl. 807 (R. I.).

The origin of this statute is found in the English Judicature Act of 1873 and in the Supreme Court of Judicature rules. See 36 & 37 VICT. c. 66; SUPREME COURT OF JUDICATURE RULES, Order XVI, Rule 7. Therefore the Rhode Island court went to the English decisions for the construction of their statute. See *Phoenix Iron Foundry v. Lockwood*, 21 R. I. 556, 45 Atl. 546; *Mason v. Copeland Co.*, 27 R. I. 232, 61 Atl. 650. The English rule as it read when Rhode Island adopted its statute was construed not to permit joinder of causes of action. *Sadler v. Great Western Ry. Co.*, [1896] A. C. 450. The immediate result of this decision was a change in Order XVI so as to permit joinder of causes of action, provided they grew out of the same transaction or series of transactions. See THE ANNUAL PRACTICE, 1916, Rules, Order XVI. The inference seems clear that the court had misinterpreted the purpose of the rules, and that the change was made to secure that purpose by removing the limitation imposed by the court. Generally, since the change, the English courts permit joinder of causes of action under Order XVI. *Frankenberg v. Great Western Horseless Carriage Co.*, [1900] 1 Q. B. 504; *Bullock v. London General Omnibus Co.*, [1907] 1 K. B. 264; *Congeladas v. Houlder Bros. & Co.*, [1910] 2 K. B. 354. *Contra*, *Thompson v. London County Council*, [1899], 1 Q. B. 840. Therefore, if the Rhode Island court had looked at the English law as it had developed, it should have found that the intent was to permit joinder of causes of action under Order XVI. By the decision in the principal case, however, the Rhode Island statute has been denied all effect, for the rule now is that tortfeasors can be joined only if they are joint tortfeasors, which was the common-law rule. See DICEY, PARTIES, Rule 98. It is submitted that no court is justified in thus denying all effect to a statute that is intended to accomplish an end possible of accomplishment. See Roscoe Pound, "Common Law and Legislation," 21 HARV. L. REV. 383.

POLICE POWER — REGULATION OF PROFESSIONS — POWER TO LICENSE CEMENT CONTRACTORS. — A municipal ordinance provided that no person